IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NOS.5850 & 6347 OF 1996

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WRIT PETITION NO : 5850 of 1996

Between:

1 N.K.Vishawanadham, S/o. late Narayana Murthy,
Staff No.1761447, Bharat heavy Electricals Limited,
Hyderabad.
2 T.Perneedu, S/o. late
Staff No. Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.814, Ramachandrapuram, hyderabad-500 032.
3 C.L.Narasimha Rao, S/o. late Ch.Venkatam,
Staff No.1763563 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.816, Ramachandrapuram, hyderabad-500 032.
4 K.S.Prakasa Rao, S/o.K.Chandraiah,
Staff No.1773616 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.631, Ramachandrapuram, hyderabad-500 032.
5 S.Varadarajan, S/o.Sri A.R.Subramaniaiyer,
Staff No.1762311 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
6 S.G.Rajan, S/o. Sadasiva Iyer,
Staff No.1761102 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
7 M.A.Narayana, S/o. M.A.tirumalachari,
Staff No.1774980 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.1764349, Ramachandrapuram, Hyderabad-500 032.
8 Dr.K.L.Naidu, s/o.K.Venkateswara Rao,
Staff No.1774980 Bharat Heavy Electricals Ltd.,
R/o. Ramachandrapuram, Hyderabad-500 032.
9 K.Rama Rao, S/o. Sitaramaiah,
Staff No.1764462, Bharat Heavy Electricals Ltd.,
R/o. Ramachandrapuram, Hyderabad-500 032.

10 Srihari, S/o. late Srivenkatachary,
Staff No.1760165 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.145, Ramachandrapuram, Hyderabad-500 032.
11 B.B.Kameswara Rao, s/o.late B.V.R.Sastry,
Staff No.1773003 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No.45, Ramachandrapuram, Hyderabad-500 032.
12 S.Satyam, S/o. Acchayya,
Staff No.1762745 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 85, Ramachandrapuram, Hyderabad-500 032.
13 B.Appala Swamy, S/o. B.Bairagi,
Staff No.1771477 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 998, Ramachandrapuram, Hyderabad-500 032.
14 K.Narayana Rao, R/o. K.Venkataramana,
Staff No.1781804 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 1975, Ramachandrapuram, Hyderabad-500 032.
15 S.V.Somayajulu, S/o. S.Sunja Rao,
Staff No.1750208 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 894, Ramachandrapuram, Hyderabad-500 032.
16 J. Sreenivasan, S/o. V.Jayaraman,
Staff No.1764241 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 831, Ramachandrapuram, Hyderabad-500 032.
17 N. Gomathi, W/o. Sri J.Rama Murthy,
Staff No.1764241 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
18 K.S.Ramachandra Murthy, S/o.K.Jagannadha Sastry,
Staff No.2752522 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 66, Ramachandrapuram, Hyderabad-500 032.
19 S.V.Iswanathan, S/o.Sri A.K.Srinivasan,
Staff No.1786911 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 1221, Ramachandrapuram, Hyderabad-500 032.
20 Smt. P.Induvenugopal, W/o. late Sri P.Venugopal,
Staff No. Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 392, Ramachandrapuram, Hyderabad-500 032.
21 D.Sanyasi Rao, S/o. Sri D.A.Marasinarayan,
Staff No.1764365 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 302, Ramachandrapuram, Hyderabad-500 032.
22 K.Narasimhulu, S/o. K.Veeraiah,
Staff No.1773550 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. 996, Ramachandrapuram, Hyderabad-500 032.
23 N.A.Chinnan, S/o.Auuappan,
Staff No.1776827 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
24 S.Jayaraman, S/o. R.Sivaraman,
Staff No.1763660 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
25 M.Krishna Rao, S/o.
Staff No.1759981 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.
26 I.S.Sivanna, S/o. Bora Lingiah,
Staff No.1759965 Bharat Heavy Electricals Ltd.,
R/o. MIG H.No. , Ramachandrapuram, Hyderabad-500 032.

..... PETITIONERS

AND

1 Chairman cum Managing Director
Bharat Heavy Electricals Ltd , Sirifort ,
New Delhi.-110 049
2 Director , Personnel,
Bharat Heavy Electricals Ltd , Sirifort ,
New Delhi.
3 Director, Finance and Accounts,
Bharat Heavy Electricals Ltd , Ramachandrapuram ,
Hyderabad.
4 Executive Director
Bharat Heavy Electricals Ltd , Ramachandrapuram ,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declaring the action of the respondents in not extending the benefit of wage revision to the petitioners on the ground that the petitioners were retired prior to 1-1-1992 is highly arbitrary and consequently set aside the proceedings No.PA /C3/1773615/356/96 , dt 29-1-96 of the 3rd respondent and award all consequential benefits to the petitioners and also the Hon'ble court may be pleased to direct the respondents to pay the compound interest on the arrears of the amounts due to the petitioners.

Counsel for the Petitioners: MR.B.NAGESWARA RAO

Counsel for the Respondents: MR.E.MANOHAR REDDY (SC FOR BHEL)

And

WRIT PETITION NO : 6347 of 1996

Between:

1 G.R.Subrahmanyam S/o.G.Lakshminarayana
Staff No.1789465 B.H.E.L., Hyderabad
2 S.R.Bhattacharya S/o. R.C.Bhattacharya
Staff No.1761382 B.H.E.L., Hyderabad

..... PETITIONERS

AND

1 Chairman Cum Managing Director Bharat Heavy Electricals Limited
Sirifort, New Delhi - 110 049
2 Director, Personnel Bharat Heavy Electricals Limited
Sirifort, New Delhi - 110 049
3 Director, Finance and Accounts Bharat Heavy Electricals Limited
New Delhi

4 Executive Director Bharat Heavy Electricals Limited
Ramachandrapuram Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction of the like nature declaring the action of the respondents in not extending the benefit of wage revision to the petitioners on the ground that the petitioners were retired prior to 01/01/1992 is highly arbitrary and consequently set aside the proceedings No.PA/C3/1773615/356/96, Dt.29/01/1996 of the third respondent and award all consequential benefits to the petitioners and also the Hon'ble Court may be pleased to direct the respondents to pay the compound interest on the arrears of the amounts due to the petitioners after extending benefit of pay revision to the petitioners..

Counsel for the Petitioners:MR.B.NAGESWARA RAO

Counsel for the Respondents: MR K.SRINIVASA MURTHY

The Court made the following :

COMMON ORDER:

Heard both sides.

Since common questions are involved in both the Writ Petitions, they are taken up together for disposal.

The petitioners, who are the employees of the Bharat Heavy Electricals Limited, filed this Writ Petition, inter alia, seeking Writ of Mandamus to declare the action of the respondents in not extending the benefit of wage revision to the petitioners on the ground that the petitioners were retired prior to 01-01-1992, as arbitrary and illegal and set aside the orders dated 29-01-1996 rejecting the petitioners' claim.

The case of the petitioners is that just because they retired on 01-01-1992, they cannot be denied of the benefits, which are extended to similarly placed other employees in the very same institution.

However, on a consideration of submissions made and on perusal of the material, especially having regard to the long lapse of time, it is not desirable to go into the merits of the case, it would suffice in the interest of justice to direct the respondents to approach the respondent No.1 by filing comprehensive and detailed representation claiming the said benefits. On such representation, the respondent No.1 shall consider and dispose of the same in accordance with law.

Subject to above, the Writ Petitions are dismissed. The petitioners shall file the said representation within a period of four weeks from today and the same shall be disposed of within a period of three months thereof. Any orders passed thereon shall be communicated to the petitioners. No costs.

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B.PRAKASH RAO, J.

Dated 29-11-2004.

Note: Issue C.C. in one week.

(B/O)

skmr

..... REGISTRAR

To

1 The Chairman cum Managing Director
Bharat Heavy Electricals Ltd , Sirifort ,
New Delhi.-110 049
2 The Director , Personnel,
Bharat Heavy Electricals Ltd , Sirifort ,
New Delhi.
3 The Director, Finance and Accounts,
Bharat Heavy Electricals Ltd , Ramachandrapuram ,
Hyderabad.
4 The Executive Director,
Bharat Heavy Electricals Ltd , Ramachandrapuram ,
Hyderabad.

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